

Text Amendment Application No. 119
The McCourt Company, Inc.
Height limit in block bounded by
Blagden Street, Exeter Street,
Huntington Avenue

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON:

The undersigned as owner of property at 15-35 Huntington Avenue hereby petitions for a change in the text of the Boston Zoning Code as established by Chapter 665 of the Acts of 1956, as amended, as follows:

1. By adding to footnote (13) of Table B of Section 13-1, after the existing sentence respecting height limits around Boston Common and the Public Garden, the following sentence:

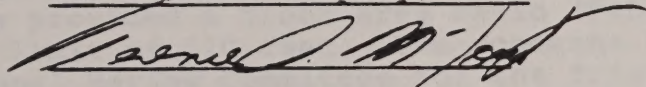
See Section 16-9 for height limit provisions for block bounded by Blagden and Exeter Streets and Huntington Avenue.

2. By inserting in Article 16, regarding height of buildings, after Section 16-8 the following new section:

SECTION 16-9. Exceptions in B-8-120c District bounded by
Blagden Street, Exeter Street, and Huntington Avenue.

In the B-8-120c district bounded by Blagden Street, Exeter Street, and Huntington Avenue, the height of a building may exceed 120 feet, provided that (1) such height does not exceed 200 feet, excluding mechanicals and the roof or other structures enclosing the mechanicals; (2) the gross floor area of the building does not exceed the maximum floor area ratio of 8; (3) at least seventy-five percent (75%) of the gross floor area of the building is devoted to residential use under Use Item No. 7 together with any use lawfully accessory or ancillary to such residential use under the provisions of Table A of Section 8-7 excepting floor areas for off-street parking; and (4) subject to design review approval of the Boston Redevelopment Authority.

Petitioner: The McCourt Company, Inc.



By: Terence P. McCourt, VP
Address: 21 Merchants Row
Boston, Massachusetts 02109

Tel. No. (617) 227-5400

Date: June 1, 1987

From Section 5-4 of Boston Zoning Code as amended August 18, 1980:

"The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as two hundred and twenty-five dollars."

noted

M E M O R A N D U M

JUNE 4, 1987

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: WILLIAM WHITNEY, ASSISTANT DIRECTOR
FOR DEVELOPMENT AND URBAN DESIGN
MITCHELL FISCHMAN, DEPUTY ASSISTANT DIRECTOR FOR
DEVELOPMENT AND URBAN DESIGN

SUBJECT: ZONING CODE TEXT AMENDMENT REGARDING HEIGHT LIMITS
FOR THE PORTION OF THE B-8-120c ZONING DISTRICT
KNOWN AS THE TRIANGLE BLOCK IN THE BACK BAY,
BOUNDED BY BLAGDEN STREET, EXETER STREET AND
HUNTINGTON AVENUE

SUMMARY: This memorandum requests that the Authority recommend adoption by the Zoning Commission of a proposed text amendment for the Triangle Block proposed by the McCourt Company, Inc. The text amendment allows a primarily residential building to exceed the 120 foot limit of the Boylston Street District provided that the building does not exceed 200 feet, is within a FAR of 8 and is at least 75% residential as measured by gross floor area.

On April 2, 1987, the Zoning Commission adopted Text Amendment No. 87 and Map Amendment No. 199 providing for new permanent zoning in the Boylston Districts (previously the Boylston Street Interim Planning Overlay District). These amendments established a new zoning district, B-8-120c, which includes the Arlington to Berkeley and Exeter to Dalton Streets blocks on the south side of Boylston Street and the Triangle Block, bounded by Blagden Street, Exeter Street and Huntington Avenue. The zoning regulations for these blocks provided a floor area ratio (FAR) maximum of 8.0 and a height limit of 120 feet. The concerns by the Authority and the Citizens' Review Committee for the Triangle Block were that no additional shadow impacts be created from any new development onto the court yard of the Boston Public Library. The IPOD zoning controls, however, did not provide any flexibility with regard to the residential use, which both neighborhood and commercial groups in the Back Bay supported for this block. Testimony was provided by these groups before the March 12 BRA Board Hearing on the Boylston Street Zoning which supported residential use and a more flexible height standard for the Triangle Block than the 120 feet proposed in the permanent zoning. This same testimony was provided before the Zoning Commission on March 31 for the Boylston Street Zoning.

June 4, 1987

The Text Amendment proposed to the Zoning Commission in a petition filed by The McCourt Company, Inc. on June 1, 1987 provides that a building on the Triangle Block may exceed 120 feet, provided that: (1) the building does not exceed 200 feet, excluding mechanicals and the roof or other structures enclosing the mechanicals; (2) the gross floor area of the building does not exceed the maximum floor area ratio of 8; (3) at least seventy-five percent (75%) of the gross floor area of the building is devoted to residential use under Use Item 7 together with any use lawfully accessory or ancillary to such residential use under the provisions of Table A of Section 8-7, but excepting floor areas used for off-street parking; and (4) subject to design review approval of the Boston Redevelopment Authority.

This proposed Text Amendment, which provides for height flexibility up to 200 feet for a primarily residential use, is applicable to three properties within the Triangle Block including the McCourt property, the Copley Square Hotel and 88 Exeter Street. The only property that is currently expected to make use of this amendment is that owned by McCourt containing approximately 26,000 square feet and abutting the Copley Square Hotel to the west and Blagden Street to the north. The McCourt proposal for 25 Huntington Avenue consists of 75% residential use and 25% commercial use and parking for 275 cars. Preliminary plans have been presented to a number of Back Bay neighborhood and commercial groups as well as the trustees of the Boston Public Library. The project is in early preschematic stage with the Authority's Design and Development staff.

The Boylston Street Citizens' Review Committee reviewed the proposed Text Amendment for the Triangle Block on April 30, 1987, at its regularly scheduled meeting. There was support for this residential amendment expressed by CRC representatives from the Neighborhood Association of the Back Bay, the Back Bay Association, the Bay Village Neighborhood Association, the St. Botolph Citizens' Committee, the Boston Society of Architects, the Greater Boston Chamber of Commerce, Representative Mark Roosevelt, and the Boylston Street Association. The representative of the Ellis Neighborhood Association expressed a reservation.

It is, therefore, recommended that the Authority, in its capacity as the City's Planning Agency, transmit to the Zoning Commission its support for a text amendment incorporating provisions for the Triangle Block substantially in the form proposed by the McCourt Company, Inc.

VOTED: That the Authority, in its capacity as the City's Planning Agency, recommends adoption by the Zoning Commission of a proposed Text Amendment for the Triangle Block incorporating provisions substantially in the form proposed by The McCourt Company, Inc.